

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ELIZABETH WOLDER,

Plaintiff,

Case No. 3:19-cv-110

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

ORDER AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (DOC. 17); (2) REVERSING THE COMMISSIONER'S NON-DISABILITY DETERMINATION; (3) REMANDING THIS CASE UNDER THE FOURTH SENTENCE OF 42 U.S.C. § 405(G) TO DETERMINE PLAINTIFF'S DISABILITY ONSET DATE AND FOR AN IMMEDIATE AWARD OF BENEFITS; (4) DENYING THE COMMISSIONER'S MOTION TO REMAND (DOC. 12 AS MOOT; AND (5) TERMINATING THIS CASE ON THE COURT'S DOCKET

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael J. Newman (doc. 17), to whom this case was referred under 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendation. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation (doc. 17) is **ADOPTED** in its entirety; (2) the ALJ's non-disability determination is **REVERSED**; (3) this matter is **REMANDED** to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) to determine Plaintiff's disability onset date and for an immediate award of benefits; (4) **DENYING AS MOOT** the Commissioner's motion to remand (doc. 12); and (5) this case is **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

Date: November 20, 2019

*s/Thomas M. Rose
Thomas M. Rose
United States District Judge